
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4571.1/02

ATTY/TYPIST: ML:mos

BRIEF DESCRIPTION:

2 **E2SHB 2847** - S COMM AMD

3 By Committee on Environment, Energy & Water

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. (1) The legislature finds that preserving
8 water quality and avoiding further degradation of already degraded
9 waters are clear priorities for Washington state. Storm water
10 management, particularly in urban areas and growing communities,
11 presents a tremendous challenge for maintaining and improving water
12 quality. The legislature finds that consistent and predictable
13 standards for storm water management across multiple state, federal,
14 and local jurisdictions are needed for the state to achieve
15 environmental protection in a cost-effective manner.

16 (2) The legislature also finds that storm water management must
17 satisfy state and federal water quality requirements while also
18 providing state and local agencies, development interests, and others
19 with a flexible set of tools and alternatives that can help ensure
20 cost-effective storm water management.

21 (3) The legislature believes a watershed approach may allow state
22 and local government to prioritize infrastructure investment and
23 develop effective storm water management strategies. While a
24 significant measure of on-site storm water management, retention, and
25 detention should be an element of any given project, the legislature
26 finds that, in some circumstances, on-site management could be combined
27 with flexible, watershed-based mitigation tools such as off-site
28 mitigation, mitigation sequencing, and the acquisition or restoration
29 of habitat. Therefore, the legislature finds that, where appropriate,
30 on-site practicability analysis, innovations, and incentives for
31 alternative storm water management strategies, and retrofit strategies
32 for existing impervious surfaces within project boundaries should be
33 evaluated.

34 (4) The legislature finds that state agencies and local governments
35 and, where appropriate, federal and tribal governments should identify

1 streamlining opportunities to address and improve coordination of storm
2 water management authority.

3 (5) The legislature acknowledges and encourages the appropriate use
4 of flexibility in storm water management. To assist the legislature in
5 reviewing the progress of storm water management, the legislature finds
6 that scientific reviews should be undertaken. In addition, the
7 legislature finds that a storm water advisory group should analyze and
8 make recommendations for flexible implementation of storm water
9 management programs.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.85 RCW
11 to read as follows:

12 (1) The independent science panel created in RCW 77.85.040 must
13 review the department of ecology's storm water manual for western
14 Washington, dated August 31, 2001. The panel must:

15 (a) Review the scientific information that was used to develop the
16 manual, with particular attention to the development of management
17 practices and thresholds. The department of ecology must make all
18 information utilized in the development of the manual available to the
19 panel;

20 (b) Evaluate whether the recommendations in the manual are
21 supportable by the cited science and identify scientific studies that
22 are needed to address any identified concerns.

23 (2) In accordance with the provisions of RCW 77.85.040, the panel
24 may contract with, or otherwise identify and consult with, other
25 recognized experts in hydrology, stream geomorphology, biology, water
26 quality, and storm water management in fulfilling the duties specified
27 in this section.

28 (3) The panel must report its results for the storm water manual
29 for western Washington by June 30, 2003.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
31 to read as follows:

32 (1) The department shall convene a western Washington storm water
33 advisory committee to coordinate and assist with implementation of
34 storm water management in Washington. The storm water advisory
35 committee shall be representative of storm water interests from western
36 Washington and shall include representatives from urban and rural
37 areas. The storm water advisory committee shall consist of no more

1 than eighteen members. The storm water advisory committee shall
2 include at least one representative of the department, the department
3 of natural resources, the department of fish and wildlife, the Puget
4 Sound action team, and the department of transportation. The storm
5 water advisory committee also shall include at least one representative
6 of each of the following interests, selected by the associations
7 representing those interests: Counties, cities, port districts,
8 environmental organizations, general contractors, commercial and
9 industrial developers, agricultural organizations, businesses, and the
10 general public.

11 (2) The president of the senate and the speaker of the house of
12 representatives may each appoint two members from each major caucus in
13 the senate and the house of representatives, respectively, to serve as
14 liaisons for their respective chambers to the committee.

15 (3) The department shall invite and encourage representatives from
16 federal agencies and tribes to participate in the storm water advisory
17 committee's work.

18 (4) The storm water advisory committee shall work with the
19 department and with the department's eastern Washington storm water
20 steering committee to:

21 (a) Advise the department regarding the coordination between state
22 and local government agencies on storm water management, including the
23 appropriate use of the new storm water manuals and a streamlined permit
24 process with consistent outcomes and goals;

25 (b) Develop recommendations for alternative watershed-based
26 practices for flow control and water quality treatment utilizing
27 watershed planning to assess the use of regional storm water facilities
28 to augment or as an alternative to site-by-site storm water controls;

29 (c) Study, evaluate, and make recommendations on the feasibility of
30 alternative storm water management approaches in highly urbanized areas
31 and how best to address severely impaired water bodies in highly
32 urbanized areas;

33 (d) Study, evaluate, and make recommendations on the appropriate
34 use of off-site watershed-based mitigation for storm water flow and
35 water quality impacts. The study and recommendations shall address
36 issues related to stream flow and water quality impacts on fish species
37 and other aquatic uses;

38 (e) Study, evaluate, and make recommendations on the funding needs
39 for local governments to meet the new federal storm water regulations;

1 (f) Offer input to the department regarding the analysis required
2 in section 4 of this act;

3 (g) To the maximum extent possible, coordinate efforts with the
4 transportation permit efficiency and accountability committee
5 established by RCW 47.06C.030. The storm water advisory committee
6 shall build upon the 2001 storm water advisory committee report to the
7 legislature, the independent science panel's review of the manual in
8 section 2 of this act, and the analysis required in section 4 of this
9 act; and

10 (h) Begin its work no later than July 1, 2002, and complete its
11 work and provide a final report to the legislature by December 31,
12 2003.

13 (5) The department shall provide a progress report to the
14 legislature on storm water management issues and the approach to these
15 issues taken by the storm water advisory committee no later than
16 December 31, 2002.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW
18 to read as follows:

19 (1) The department shall consider the comparative costs of
20 alternatives available in meeting the goals of the storm water
21 management manual for western Washington. This analysis shall be done
22 recognizing that the manual must be consistent with state and federal
23 water quality requirements.

24 (2) The department shall report its findings for the storm water
25 manual for western Washington to the appropriate committees of the
26 legislature by December 31, 2002.

27 NEW SECTION. **Sec. 5.** (1) While an integrated storm water
28 management process is being developed, the department of ecology, the
29 department of fish and wildlife, and all other state agencies and local
30 governments are strongly encouraged to use flexibility in conditioning
31 permits dealing with storm water management.

32 (2) Local governments in western Washington are strongly encouraged
33 to use the department of ecology's storm water manual for western
34 Washington, dated August 31, 2001, until such time as the department
35 releases an updated manual.

1 (3) Every state agency and local government, in issuing permits
2 under this section, must ensure compliance with all state and federal
3 water quality laws.

4 (4) This section applies prospectively only and not retroactively.
5 It applies only to applications for permits filed after the effective
6 date of this section.

7 NEW SECTION. **Sec. 6.** If specific funding for the purposes of the
8 act, referencing this act by bill or chapter number, is not provided by
9 June 30, 2002, in the omnibus appropriations act, this act is null and
10 void.

11 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

15 NEW SECTION. **Sec. 8.** This act expires June 30, 2004."

16 **E2SHB 2847** - S COMM AMD

17 By Committee on Environment, Energy & Water

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19 On page 1, line 2 of the title, after "program;" strike the
20 remainder of the title and insert "adding a new section to chapter
21 77.85 RCW; adding new sections to chapter 90.48 RCW; creating new
22 sections; providing an expiration date; and declaring an emergency."

EFFECT: Modifies and narrows the intent section. Reduces the
duties of the independent science panel. It no longer reviews
recommendations of the advisory committee. Extends the time for the
panel's work by six months. The advisory committee is created for
western Washington only, and the Puget Sound Action Team is added to
the membership. Four members of the House and Senate may be appointed
as liaisons to the committee. The committee is required to submit a
final report. The cost-benefit analysis is replaced with an analysis
of the comparative costs of alternatives available in meeting the goals
of the storm water manual.

While an integrated storm water management process is being
developed, the department of ecology, the department of fish and
wildlife, and all other state agencies and local governments are
strongly encouraged to use flexibility in conditioning permits. Local
governments in western Washington are strongly encouraged to use the

department's storm water manual for western Washington, until a manual is issued.

Permitting agencies and local governments must ensure compliance with all state and federal water quality laws. The flexibility section applies prospectively only and not retroactively. A null and void clause is added.

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